

**\*E-FILED 8/26/2008\***

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

TCGIVEGA INFORMATION  
TECHNOLOGIES PVT LTD.,

Plaintiff,

v.

KARNA GLOBAL TECHNOLOGIES, INC.;  
KANNAN R. AYYAR, JNANA R. DASH AKA  
JNAN DASH; and GREGORY D. HAWKINS,

Defendants.

No. C05-05222 JF (HRL)

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR AN ORDER TO SHOW  
CAUSE RE CONTEMPT; CERTIFYING  
FACTS TO THE DISTRICT COURT;  
AND REQUIRING DEFENDANTS TO  
APPEAR BEFORE JUDGE FOGEL**

In this civil action, plaintiff TCGIVEga Information Technologies PVT, Ltd. sued for alleged breach of contract and fraud. The parties subsequently stipulated to a judgment in plaintiff's favor and against defendants Karna Global Technologies, Inc. ("Karna Global") and Kannan Ayyar. The District Court entered judgment on March 19, 2008. (See Docket #144).

At plaintiff's request, on May 30, 2008, this court issued orders directing Ayyar and Karna Global to appear before this court on August 5, 2008 at 10:00 a.m. for a judgment debtor exam. (See Docket #156 and #157). The court's records indicate that the orders were personally served upon Kannan Ayyar (both for himself and for Karna Global) on June 17, 2008. (See Docket #158 and #159). On August 5, 2008, plaintiff's counsel was present for the judgment debtor exams. However, Ayyar and Karna Global failed to appear as ordered.

Plaintiff then moved for the issuance of a bench warrant, or alternatively, a show cause hearing why defendants should not be held in contempt.

In civil cases where one or more parties have not consented to proceed before a magistrate judge for all purposes (including trial), and absent action conducted in the presence of the magistrate judge, a magistrate judge must certify contempt to the District Court. 28 U.S.C. § 636(e). In such circumstances:

the magistrate judge shall forthwith certify the facts to a district judge and may serve or cause to be served, upon any person whose behavior is brought into question under this paragraph, an order requiring such person to appear before a district judge upon a day certain to show cause why that person should not be adjudged in contempt by reason of the facts so certified. The district judge shall thereupon hear the evidence as to the act or conduct complained of and, if it is such as to warrant punishment, punish such person in the same manner and to the same extent as for a contempt committed and to the same extent as for a contempt committed before a district judge.

Id., § 636(e)(6)(B)(iii).

Accordingly, IS IT ORDERED THAT:

1. Plaintiff's request for an order to show cause is granted, and the facts described above are certified to the District Court.


2. Kannan Ayyar and Karna Global Technologies shall appear before Judge Fogel on his next available hearing date of **October 17, 2008 at 9:00 a.m.** in Courtroom 3, United States Courthouse, 280 South 1st Street, San Jose, California and show cause, if any, why they should not be held in contempt for their failure to comply with this court's May 30, 2008 order.

3. Kannan Ayyar and Karna Global Technologies may file and serve a written response to this Order to Show Cause Re: Contempt, supported by appropriate affidavit(s) or declaration(s) in conformance with 28 U.S.C. § 1746. Any such written response must be filed no later than **September 26, 2008**. Whether or not a written response is filed, both Ayyar and Karna Global must appear before Judge Fogel in any event on October 17, 2008. Plaintiff may serve a written reply to such response no later than **October 3, 2008**.

4. Plaintiff shall serve this order on Ayyar and Karna Global and file a certificate of

1 service.

2 Dated: August 26, 2008

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4 HOWARD F. LLOYD  
5 UNITED STATES MAGISTRATE JUDGE  
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**5:05-cv-5222 Notice has been electronically mailed to:**

Jaipat Singh Jain jjain@lpgk.com

Antoinette McGill antoinette.mcgill@chugh.com, oscar.rivera@chugh.com, paul@chugh.com

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Michael William Stebbins mstebbins@be-law.com, vross@be-law.com

**5:05-cv-5222 Notice mailed to:**

Kannan Ayyar  
12121 Oak Park Court  
Los Altos Hills, CA 94002

Karna Global Technologies, Inc.  
c/o Kannan Ayyar  
12121 Oak Park Court  
Los Altos Hills, CA 94002